



May 28, 2009

**Via Regular Mail**

Empowering Spirits Foundation  
3535 Lebon Drive  
San Diego, CA 92122

Re: Frivolous IRS Complaint

Dear Sir/Madam:

This letter is in reference to the recent complaint you filed with the Internal Revenue Service against the Roman Catholic Diocese of Portland. The Alliance Defense Fund has been retained by the Diocese to respond to the baseless public allegations you made concerning the Diocese's activities on the upcoming Maine referendum to protect traditional marriage.

You were quoted in the media as stating in your complaint to the IRS that the Roman Catholic Diocese of Portland engaged in political activity in violation of the IRS nonprofit rules by collecting signatures for the referendum. Your publicly-stated goal in filing the complaint with the IRS is to have the Diocese's nonprofit tax status revoked.

The complaint your organization filed is utterly frivolous and has no foundation in either law or fact. First, the IRS has clearly stated on many occasions that nonprofit organizations are allowed to engage in lobbying activities, including advocating a position on a public referendum, without violating their tax exempt status so long as the activity is not a substantial activity of the organization. Therefore, the current IRS regulations allow the Diocese to advocate a position on a referendum and to conduct activities in accordance with that position. None of the Diocese's current or planned activities violate the IRS nonprofit regulations.

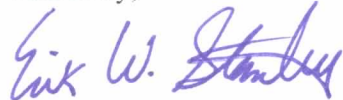
In addition to the fact that your complaint has no basis in the law, it also has no factual basis. As you should be well aware, at the time you filed your complaint, no one was gathering petition signatures. Therefore, your allegation that the Diocese is using its own funds to gather petition signatures is factually incorrect. However, even if the Diocese chose to use its own funds to gather signatures, it may lawfully do so under current IRS regulations.

Your complaint will never be acted upon by the IRS because nothing you complain about in any way violates IRS regulations. It is my belief that either you are completely uninformed regarding nonprofit law or you are purposefully filing a frivolous complaint in a transparent attempt to intimidate and confuse the issues surrounding the upcoming Maine referendum. I note that you filed a similar frivolous complaint against the Mormon Church in California for its activities advocating support of Proposition 8. Your organization seems to be making a practice

of filing frivolous IRS complaints as a way of intimidating organizations standing for traditional marriage.

Complaints such as the one you filed against the Roman Catholic Diocese of Maine are frivolous and without any foundation in fact or law. Given the clarity of the law on this issue, it is in everyone's best interest that you cease your practice of filing such frivolous complaints.

Sincerely,



Erik W. Stanley  
Senior Legal Counsel

cc: Roman Catholic Diocese of Maine